

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROSE R. MARCOTTE and  
RUSSELL MARCOTTE, husband  
and wife,

Plaintiff,

v.

UNITED STATES DEPARTMENT  
OF AIRFORCE; BRIAN CLIPPER  
as agent of the UNITED STATES  
DEPARTMENT OF AIRFORCE;  
and BRIAN CLIPPER and JANE  
DOE CLIPPER, husband and wife,

Defendants.

NO. CV-09-102-RHW

**ORDER GRANTING JOINT  
MOTION FOR SUBSTITUTION  
OF THE UNITED STATES OF  
AMERICA FOR DEFENDANTS  
UNITED STATES  
DEPARTMENT OF AIR FORCE,  
BRIAN CLIPPER, AND JANE  
DOE CLIPPER**

Before the Court is the Joint Motion for Substitution of the United States of America for Defendants United States Department of Air Force, Brian Clipper, and Jane Doe Clipper (Ct. Rec. 4). The motion was heard without oral argument.

The parties ask the Court to substitute the United States of America as Defendant for each of the named Defendants in the above-captioned complaint. The United States represents that its employee was acting within the scope of his employment.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Joint Motion for Substitution of the United States of America for Defendants United States Department of Air Force, Brian Clipper, and Jane Doe Clipper (Ct. Rec. 4) is **GRANTED**.

**ORDER GRANTING JOINT MOTION FOR SUBSTITUTION OF THE  
UNITED STATES OF AMERICA FOR DEFENDANTS UNITED STATES  
DEPARTMENT OF AIR FORCE, BRIAN CLIPPER, AND JANE DOE  
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1           2. The United States of America shall be substituted as Defendant for those  
2 named Defendants contained in Plaintiffs' Complaint.

3           3. The parties are directed to amend the caption of the pleadings to reflect  
4 the newly-named Defendant for any subsequently filed pleadings.

5           4. The action against the United States Department of Air Force, Brian  
6 Clipper, and Jane Doe Clipper, is hereby dismissed. This action shall be  
7 maintained against the United States of America.

8           **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
9 Order and forward copies to counsel.

10          **DATED** this 8<sup>th</sup> day of September, 2009.

11                               *S/ Robert H. Whaley*

12                               ROBERT H. WHALEY  
13                               United States District Judge

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28 **ORDER GRANTING JOINT MOTION FOR SUBSTITUTION OF THE  
UNITED STATES OF AMERICA FOR DEFENDANTS UNITED STATES  
DEPARTMENT OF AIR FORCE, BRIAN CLIPPER, AND JANE DOE  
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